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Attorneys for Plaintiff
NOMADIX, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

NOMADIX, INC.,	}	Civil Action No.
Plaintiff,		CV09-08441 DDP (VBKx)
v.		NOMADIX, INC.'S ANSWER TO IBAHN CORPORATION'S COUNTERCLAIMS
HEWLETT-PACKARD COMPANY et al.,		
Defendants.	}	Honorable Dean D. Pregerson
AND RELATED COUNTERCLAIMS		

1 Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure,
2 Plaintiff-Counterdefendant Nomadix, Inc. (“Nomadix”) hereby answers iBAHN
3 Corporation’s (“iBAHN”) Counterclaims (Docket No. 70). The numbered
4 paragraphs of this Answer correspond to the numbered paragraphs of iBAHN’s
5 Counterclaims.

6 **COUNTERCLAIMS**

7 **PARTIES**

8 8. Upon information and belief, Nomadix admits the allegations in
9 paragraph 8 of iBAHN’s Counterclaims.

10 9. In response to paragraph 9 of iBAHN’s Counterclaims, Nomadix
11 admits that it is a Delaware corporation. Nomadix further admits that its
12 Complaint states that Nomadix has a principal place of business at 1100
13 Business Center Circle, Suite 100, Newbury Park, California 91320. Except for
14 these specific admissions, Nomadix denies iBAHN’s allegations in paragraph 9.
15 Nomadix has a new principal place of business at 30851 Agoura Road, Suite
16 102, Agoura Hills, California 91301.

17 **JURISDICTION AND VENUE**

18 10. In response to paragraph 10 of iBAHN’s Counterclaims, Nomadix
19 admits that, to the extent that iBAHN has standing to bring its counterclaims,
20 the Court has jurisdiction over the subject matter of iBAHN’s counterclaims
21 under 28 U.S.C. §§ 1331, 1367 and 1338(a). Except for this specific admission,
22 Nomadix denies iBAHN’s allegations in paragraph 10.

23 11. Nomadix admits the allegations in paragraph 11 of iBAHN’s
24 Counterclaims.

25 12. Nomadix admits the allegations in paragraph 12 of iBAHN’s
26 Counterclaims.

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**COUNT ONE – DECLARATORY JUDGMENT OF NON-
INFRINGEMENT**

13. In response to paragraph 13 of iBAHN's Counterclaims, Nomadix incorporates by reference its responses to the allegations in paragraphs 8 through 12 of iBAHN's Counterclaims with the same force and effect as if fully set forth here. Nomadix denies the allegations incorporated from paragraphs 1 through 7 of iBAHN's Affirmative and Other Defenses. To the extent that iBAHN intended to incorporate the text from paragraphs 1 through 285 of its Answer or its response to Nomadix's prayer for relief, no response is required because those paragraphs do not state any allegations. To the extent that paragraphs 1 through 285 of iBAHN's Answer and iBAHN's response to Nomadix's prayer for relief state any allegations, Nomadix denies such allegations.

14. Nomadix admits the allegations in paragraph 14 of iBAHN's Counterclaims.

15. In response to paragraph 15 of iBAHN's Counterclaims, Nomadix admits that iBAHN requests a declaration from the Court that iBAHN has not infringed any valid claim of U.S. Patent Nos. 6,130,892, 7,008,727, 7,554,995, 6,636,894 or 6,868,399, but denies that iBAHN is entitled to such a declaration or any other relief. Except for this specific admission, Nomadix denies iBAHN's allegations in paragraph 15.

COUNT TWO – DECLARATORY JUDGMENT OF INVALIDITY

16. In response to paragraph 16 of iBAHN's Counterclaims, Nomadix incorporates by reference its responses to the allegations in paragraphs 8 through 15 of iBAHN's Counterclaims with the same force and effect as if fully set forth here. Nomadix denies the allegations incorporated from paragraphs 1 through 7 of iBAHN's Affirmative and Other Defenses. To the extent that iBAHN intended to incorporate the text from paragraphs 1 through 285 of its

1 Answer or its response to Nomadix's prayer for relief, no response is required
2 because those paragraphs do not state any allegations. To the extent that
3 paragraphs 1 through 285 of iBAHN's Answer and iBAHN's response to
4 Nomadix's prayer for relief state any allegations, Nomadix denies such
5 allegations.

6 17. Nomadix admits the allegations in paragraph 17 of iBAHN's
7 Counterclaims.

8 18. In response to paragraph 18 of iBAHN's Counterclaims, Nomadix
9 admits that iBAHN requests a declaration from the Court that each of the claims
10 of U.S. Patent Nos. 6,130,892, 7,008,727, 7,554,995, 6,636,894 or 6,868,399 are
11 invalid, but denies that iBAHN is entitled to such a declaration or any other
12 relief. Except for this specific admission, Nomadix denies iBAHN's allegations
13 in paragraph 18.

14 **EXCEPTIONAL CASE**

15 19. Nomadix denies the allegations in paragraph 19 of iBAHN's
16 Counterclaims.

17 **RESERVATION OF RIGHTS**

18 20. In response to paragraph 20 of iBAHN's Counterclaims, Nomadix
19 admits that iBAHN states that it reserves its right to supplement with additional
20 defenses as discovery proceeds in this matter. Except for this specific
21 admission, Nomadix denies iBAHN's allegations in paragraph 20.

22 **PRAYER**

23 iBAHN's prayer does not state any allegations for which a responsive
24 pleading is required. To the extent that it does state such an allegation,

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1 Nomadix denies that iBAHN is entitled to any relief and denies any allegations
2 in iBAHN's prayer for which a responsive pleading is required.

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4 Respectfully submitted,

5 KNOBBE, MARTENS, OLSON & BEAR, LLP
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8 Dated: March 5, 2010

By: *s/ Douglas G. Muehlhauser*

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